

HEALTH SERVICES AND DEVELOPMENT AGENCY

MINUTES *

June 26, 2013

AGENCY MEMBERS PRESENT

Johnson, D. Lynn, Chair
Burns, Charlotte, Vice-Chair
Byrd, Claudia
Haik, Barrett, M.D.
Mills, Thom
Southwick, William
Wright, James
Gaither, Keith, designee for the TennCare Director
Jordan, Lisa, designee for the Commissioner of Commerce and Insurance
Hodge, Elisha, designee for the Comptroller of the Treasury

AGENCY MEMBERS ABSENT

Doolittle, Robert S.

AGENCY STAFF PRESENT

Bobbitt, Melissa, Administrative Services Assistant III
Christoffersen, Jim, General Counsel
Craighead, Alecia, Statistical Analyst III
Earhart, Phillip, HSD Examiner
Farber, Mark, Deputy Director
Finchum, Rhonda, Director of Administrative Services

COURT REPORTER

Deen, Meschelle Manley

GUESTS PRESENT

Adams, Pete
Alexander, Jan, Director of Women's Health Services, TriStar Hendersonville Medical Center
Ames, Shelley, Executive Director, Salvus Center, Inc.
Babb, Tamie, M.D.
Baker, Graham, Jr., Esq., Weeks and Anderson
Bartlett, Regina, CEO, TriStar Hendersonville Medical Center
Bohleman, Lyle G., M.D., Luke Inc.
Bouressa, Deborah, Director of Women's Health, Baptist Hospital
Braber-Grove, Sandra, Esq., Tennessee Department of Mental Health and Substance Abuse Services
Branson, Brett, M.D.
Brent, Michael D., Esq., Bradley Arant Boult Cummings, LLP
Brotherton, Matthew, Esq., Kramer Rayson, LLC
Byrd, Kathy, Administrator, Maxwell Aesthetics
Campbell, Clay, VP/Construction Services, Signature Healthcare of Nashville Rehabilitation & Wellness Center
Carter, Dr. Jason, Chief Pharmacist, State Opioid Treatment Authority, Tennessee Department of Mental Health and Substance Abuse Services

Costner, Brian, M.D., Neonatologist, Pediatrix Medical Group
 Donahey, Kenneth C., COO, TriStar Hendersonville Medical Center
 Duncan, Bruce, Assistant Vice President, National HealthCare Corporation
 Dunlap, James, Esq., Dunlap & Associates, LLC
 Ettier, Joann L., COO, TriStar Centennial Medical Center
 Farris, John, Esq., Farris Bobango
 Ford, Maurice
 Ford, Virginia
 Fraser, Maureen, Vice Mayor, Town of Collierville
 Gann, Lisa, CNO, TriStar Hendersonville Medical Center
 Goddard, Missy, Executive Assistant, TriStar Hendersonville Medical Center
 Gooch, Brend, N.P., RW Darl Memorial Treatment Center
 Gooch, Warren L., Esq., Kramer Rayson, LLP
 Good, Charles, President/CEO, Frontier Health
 Gupton, Beth, Clinical Coordinator, TriStar Hendersonville Medical Center
 Guy, Jeffrey S., M.D., CMO, TriStar Centennial Medical Center
 Harkness, Eric, Assistant Director, Division of Health Planning, Tennessee Department of Health
 Herrin Erick, Esq., HBM
 Herrin, C. Bomar, M.D., Recovery Associates
 Herzke, Rudolf, Luke, Inc.
 Hill, Ronald, Vice President, Strategic Development, Vanderbilt University Medical Center
 Hippel, R. Kurt, Legislative Liaison, Tennessee Department of Mental Health and Substance Abuse Services
 Holt, Anthony, County Executive, Sumner County
 Houchin, Barbara, Executive Director, Planning, Saint Thomas Health Services
 Ismail, Muhammad Sami, M.D., Neonatologist, Pediatrix Medical Group
 James, Mitchell, Clerk, Bass Berry & Sims, PLLC
 Joyner, Stan, Mayor, Town of Collierville
 Karielcan, Saacar, M.D., TriStar Hendersonville Medical Center
 Kelley, Sheila, R.N., TriStar Hendersonville Medical Center
 Kester, Steven W., Managing Member, Tri-Cities Holdings, LLC
 Lacy, Ira, Opioid Treatment Program Director, Tennessee Department of Mental Health and Substance Abuse Services
 Latimer, Rev. James M., Pastor, Redeemer Evangelical Church
 Leach, Ed
 Leach, Gina
 Lewellon, James, Administrator, Town of Collierville
 Lively, Deborah, Director, Tennessee Health Care Association
 Lodge, J. Richard, Esq., Bass, Berry & Sims
 Loyd, Daryl
 Loyd, Stephen, M.D., ETSU Quillen College of Medicine
 Lunn, Rodney, Consultant, PhyBus, LLC
 Maxwell, G. Patrick, M.D., F.A.C.S., Maxwell Aesthetics
 McCauley, Stacey, Director of Physician Services, TriStar Hendersonville Medical Center
 McMullan, John (Ted) E., General Manager, Nashville Senior Care, LLC
 McNally, Maggie, Families Free
 Merville, LaDonna, Vice President, Hospital Alliance of Tennessee
 Mesliner, Teresa, R.N., TriStar Hendersonville Medical Center
 Moore, Karen, R.N., Maxwell Aesthetics
 Morrison, Michael, CFO, TriStar Hendersonville Medical Center
 Neilson, Steven, Planner, City of Johnson City
 O'Shaughnessy, Kristina, M.D., Maxwell Aesthetics
 Osteen, Dwight, Administrator, Signature Healthcare of Nashville Rehabilitation & Wellness Center
 Ostertag, Kathy, R.N.
 Ostertag, Peter
 Pepper, Mark, C.R.N.A., Maxwell Aesthetics
 Persechini, Fran, President, Collierville Chamber of Commerce

HEALTH SERVICES AND DEVELOPMENT AGENCY

JUNE 26, 2013 MEETING

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Peterson, M. Denis, City Manager, City of Johnson City
Phillips, W. Brantley, Jr., Esq., Bass Berry & Sims, PLC
Ramsey, Chester, PhD., Covenant Health
Rathburn, Robin Robinette, Sponsor, RW Darl Memorial Treatment Center
Reed, Ann, R., R.N., BSN, MBA, Director of Licensure, Div. of Health Care Facilities, Tenn. Dept. of Health
Richardson, Michael, Vice President, Planning and Business Development, Covenant Health Services
Roham, Heather, CEO, TriStar Centennial Medical Center
Sansing, Trent, CON Director, Tennessee Department of Health
Sommi, Mike, Vice President, Provision Trust
Stehl, Laura, Cumberland Crisis Pregnancy Center
String, Jim, Clerk, Bass Berry & Sims, PLLC
Sundquist, Hon. Don, Former Governor
Tally, Sarah Lodge, Esq., Butler, Snow
Taylor, Jerry W., Esq., Stites & Harbison, PLC
Taylor, Steven, ASA 4, Tennessee Department of Health
Thomas, Gerald D., President, Thomas Construction Company, Inc.
Tipton, Lisa, Executive Director, Families Free
Todd, Hon. Curry, State Representative
Tramble, Charlie, President Retirement Centers of America
Trauger, Byron R., Esq., Trauger & Tuke
Van Brocklin, Charles, Mayor, Johnson City
Watson, Kathryn, NICU Manager, Baptist Hospital
Wellborn, John L., Consultant, Development Support Group
Zody, Shawna, Marketing Director, TriStar Hendersonville Medical Center

Chairman Johnson called the meeting to order at 8:30 a.m. in Meeting Room 12, of The Legislative Plaza, Nashville, Tennessee.

ROLLCALL TO ESTABLISH QUORUM

Mr. Johnson requested roll call to establish quorum.

PRESENT: Jordan, Wright, Mills, Gaither, Burns, Hodge, Haik, Byrd, Southwick, Johnson

Ten (10) members present.

DIRECTOR'S ANNOUNCEMENTS

Mark Farber, Deputy Director, made general announcements regarding the following:

- 1) Instructions were provided for those providing testimony on the scheduled agenda items;
- 2) Number of applications scheduled for upcoming meetings -- Five (5) for July and August, possibly three (3) for September;
- 3) Meeting locations -- through December meetings will be held in Room 12 at the Legislative Plaza;
- 4) Tennessee Department of Health, Division of Health Statistics has recently hired Trent Sansing as the new Certificate of Need Director;
- 5) Update on HSDA members: Charlotte Burns (Hospital Representative) and James Wright (Nursing Home Representative) were both appointed to serve another term and Dr. Mark Flora has been appointed as ASTC representative. Mr. Southwick's (ASTC Representative) term will expire on June 30th; and
- 6) Mr. Johnson thanked Mr. Southwick for his exemplified service in providing counsel and advice with the Agency. Mr. Southwick addressed his service, and expressed his gratitude and appreciation to members, staff, attorneys and others for their support and assistance.

APPROVAL OF MINUTES

Mr. Johnson presented May 22, 2013 minutes for approval, for members to accept or decline.

Mr. Wright moved for approval of the May 22, 2013 minutes as presented. Mr. Mills seconded the motion. The motion CARRIED [10-0-0]. **APPROVED by unanimous voice vote**

AYE: Jordan, Wright, Mills, Gaither, Burns, Haik, Weaver, Byrd, Southwick, Johnson

NAY: None

STATE HEALTH PLAN UPDATE

Eric Harkness, Assistant Director, Division of Health Planning, Department of Health, presented a brief update as follows:

1. Governor has approved and adopted the updates to the State Health Plan on May 23rd which includes strategies to support the five principles to achieving better health by promoting the following:
 - 1) Improves health outcomes and the health status of Tennesseans;
 - 2) Access to health care;
 - 3) Economic efficiencies over health care systems;
 - 4) Ensuring a quality health care work force; and
 - 5) Ensuring the quality of health care that is provided in Tennessee.
2. Included in the updates are two (2) revisions to the CON standards and criteria which include ambulatory surgical treatment centers (ASTC) and hospice services. The policies of the State Health Plan, CON applications that were submitted on or after the May 23rd date of adoption should be considered under the revised guidelines and any applications that were deemed complete before May 23rd should be considered under the previous Guidelines for Growth standards;
3. The State Health Plan has been sent out to the Division of State Health Plan email list and should have the State Health Plan online soon. Requests to have a copy emailed should be sent to eric.harkness@tn.gov; and
4. Revisions are continuing for standards for home health, and nursing homes to be submitted to the Governor by the end of this year.

CONSENT CALENDAR APPLICATION

Mark Farber summarized the following Consent Calendar application:

LP Nashville II, LLC d/b/a Signature Healthcare of Nashville Rehabilitation & Wellness Center - (Nashville, Davidson County) - Project No. CN1304-012

Cost overrun of approximately \$4,009,562 that occurred as a result of complications associated with implementing its previously approved Certificate of Need, CN1009-044A. The estimated project cost is \$4,009,562.

Mr. Farber noted the application was not opposed and read Ms. Hill's justification memo which recommended approval based upon the application meeting the criteria of need, economic feasibility and orderly development:

- 1) Need – The need for the facility was established by the approval of the original certificate of need. The cost overrun was due to unanticipated problems with the following: a) excavation at the existing site; b) The existing building which is described as The Perry Building; and c) Changes to the new building that was constructed;
- 2) Economic Feasibility – The project will be funded through the cash reserves of Signature Health and changes to its loan from Health Care REIT, Inc. While the applicant anticipates a loss in the first year of operation, it does project a positive operating income in year two; and
- 3) Contribution to the orderly development of adequate and effective health care – The project does contribute to the orderly development of health care since the HSDA previously determined it was needed in Davidson County. It replaced two older nursing homes that had been "grandfathered" into current building codes with a new state of the art building. The applicant will participate in

Medicare and Medicaid/TennCare and numerous commercial insurance plans. Based on these reasons, Ms. Hill recommended the Agency to approve the certificate of need application.

Michael D. Brent, Esq., representing the applicant, addressed the Agency. Present on behalf of the project were Dwight Osteen, Administrator, Signature Healthcare of Nashville Rehabilitation & Wellness Center; and Clay Campbell, VP/Construction Services, Signature Healthcare of Nashville Rehabilitation & Wellness Center.

Ms. Jordan moved to adopt the recommendation as set forth in Ms. Hill's justification memo for approval of the project. Ms. Burns seconded the motion. The motion CARRIED [10-0-0]. **APPROVED**

AYE: Jordan, Wright, Mills, Gaither, Burns, Hodge, Haik, Byrd, Southwick, Johnson

NAY: None

CERTIFICATE OF NEED APPLICATIONS

Mark Farber summarized the following CON applications:

TriStar Hendersonville Medical Center - (Hendersonville, Sumner County) - Project No. CN1302-002

Ms. Burns and Mr. Southwick recused.

The construction of a new 4th floor of medical/surgical beds and the initiation of neonatal intensive care services in a new 6-bed level II-B neonatal nursery on the main campus of TriStar Hendersonville Medical Center located in Hendersonville (Sumner County), TN. The hospital currently holds a single consolidated licensed for 148 general hospital beds, of which 110 are at its main Hendersonville campus and 38 are at its satellite campus at 105 Redbud Drive, Portland (Sumner County), TN. The project will relocate 13 beds from the satellite campus to the main campus, resulting in 123 licensed beds at the Hendersonville campus and 25 licensed beds at the Portland satellite campus. The estimated project cost is \$32,255,000.

Jerry W. Taylor, Esq., representing the applicant, addressed the Agency. Speaking in support of the project were: Regina Bartlett, CEO, TriStar Hendersonville Medical Center; Jeffrey S. Guy, M.D., CMO, TriStar Centennial Medical Center; Muhammad Sami Ismail, M.D., Neonatologist, Pediatrix Medical Group; Brett Branson, M.D.; Tamie Babb, M.D.; Saacar Karielcan, M.D., TriStar Hendersonville Medical Center; Anthony Holt, County Executive, Sumner County; Laura Stehl, Cumberland Crisis Pregnancy Center; Shelley Ames, Executive Director, Salvus Center, Inc.

Present in support of the project were: Jan Alexander, Director of Women's Health Services, TriStar Hendersonville Medical Center; Beth Gupton, Clinical Coordinator, TriStar Hendersonville Medical Center; Kenneth C. Donahey, COO, TriStar Hendersonville Medical Center; Stacey McCauley, Director of Physician Services, TriStar Hendersonville Medical Center; Heather Roham, CEO, TriStar Centennial Medical Center; Lisa Gann, CNO, TriStar Hendersonville Medical Center; Joann L. Ettier, COO, TriStar Centennial Medical Center; Michael Morrison, CFO, TriStar Hendersonville Medical Center; and John L. Wellborn, Consultant.

Speaking in opposition of the project were: Warren L. Gooch, Esq. representing Baptist Hospital; Brian Costner, M.D., Neonatologist, Pediatrix Medical Group; and Deborah Bouressa, Director of Women's Health, Baptist Hospital. Responding to questions by members were Barbara Houchin, Executive Director, Planning, St. Thomas Health; and Kathryn Watson, NICU Manager, Baptist Hospital.

Mr. Taylor and Ms. Bartlett rebutted.

Mr. Gooch provided summation for the opposition.

Mr. Taylor provided summation for the applicant.

Ms. Jordan moved for approval of this application based on: 1) Need – The need has been established based on the bed shortages that have been experienced currently or are anticipated to become worse in the future. Also, there is a need for the addition of NICU beds in Sumner County because there are none there currently; 2) Economic Feasibility – The project is economically feasible, the project can be funded from cash reserves and its projected to generate positive operating results in its first year of operations; and 3) The project does

contribute to the orderly development of adequate and effective health care because the project will make needed services available in the community and help alleviate bed capacity pressures in the Centennial NICU. Ms. Hodge seconded the motion. The motion CARRIED [5-3-0]. **APPROVED**

AYE: Jordan, Wright, Hodge, Byrd, Johnson

NAY: Mills, Gaither, Haik

Taken out of Order:

Maxwell Aesthetics, PLLC - (Nashville, Davidson County) - Project No. CN1303-009

Ms. Burns recused.

The construction, development and establishment of an ambulatory surgical treatment center (ASTC) limited to plastic surgery with one (1) operating room. The estimated project cost is \$1,322,564.

E. Graham Baker, Jr., Esq., representing the applicant, addressed the Agency. G. Patrick Maxwell, M.D., F.A.C.S., Maxwell Aesthetics, spoke on behalf of the project. Rodney Lunn, Consultant, PhyBus, LLC, responded to questions by members. Present in support were: Kathy Byrd, Administrator, Maxwell Aesthetics; Karen Moore, Maxwell Aesthetics; Mark Pepper, C.R.N.A., Maxwell Aesthetics; and Kristina O'Shaughnessy, M.D., Maxwell Aesthetics.

Mr. Mills moved for approval of the project for the establishment of an ambulatory surgical treatment center, an ASTC, limited to plastic surgery containing one (1) operating room based on: 1) Need – It does meet the need considering that there is only one other provider that has dedicated one (1) operating room (OR) to plastic surgery in the area and that particular provider does not accept Medicare nor TennCare patients. Dr. Maxwell and his group will. It will not have any adverse impact on other facilities as he will be maintaining his patient base in using this particular OR for his own patients; 2) Economic Feasibility – The project is economically feasible as there are statements from the financial manager of Dr. Maxwell that he has ample cash available for this project; and 3) The project does contribute to the orderly development of adequate and effective health care as it is in close proximity within ten (10) minutes of five (5) local hospitals. It will expand the services for this physician group's clients, making it much more convenient on them versus seeking alternative sites from his main office. Ms. Byrd and Dr. Haik seconded the motion. The motion CARRIED [9-0-0]. **APPROVED**

AYE: Jordan, Wright, Mills, Gaither, Hodge, Haik, Byrd, Southwick, Johnson

NAY: None

Meeting returned to Order:

Tri-Cities Holdings LLC d/b/a Trex Treatment Center - (Johnson City, Washington County) - Project No. CN1303-005

The establishment of a nonresidential substitution-based treatment center for opiate addiction to be located at 4 Wesley Court, Johnson City, TN 37601. The estimated project cost is \$670,000.00.

Steven W. Kester, Managing Member, Tri-Cities Holdings, LLC, addressed the Agency on behalf of the project. Speaking in support were: Kathy Ostertag, R.N.; Robin Robinette Rathburn, (Federal) Sponsor, RW Darl Memorial Treatment Center; and James Dunlap, Esq., Dunlap & Associates, LLC on behalf of eight (8) Johnson City residents that are disabled.

Speaking in opposition of the project were: Jerry W. Taylor, Esq., representing City of Johnson City; Charles Van Brocklin, Mayor, Johnson City; Stephen Loyd, M.D., ETSU Quillen College of Medicine; C. Bomar Herrin, M.D., Recovery Associates; Gina Leach; Ed Leach; Lisa Tipton, Executive Director, Families Free; Charles Good, President/CEO, Frontier Health; and Gerald D. Thomas, President, Thomas Construction Company, Inc.

Mr. Kester and Ms. Ostertag rebutted – Ms. Ostertag submitted letter to record by J. David Lentz, M.D., Georgia Medical Associates, PC.

Responding to questions by members were representatives of the Tennessee Department of Mental Health and Substance Abuse Services: Sandra Braber-Grove, Assistant General Counsel; and Dr. Jason Carter, Chief Pharmacist, State Opioid Treatment Authority. Present were Ira Lacey, Opioid Treatment Program Director, and R. Kurt Hippel, Legislative Liaison.

Mr. Taylor provided summation for the opposition.

Mr. Kester provided summation for the applicant.

Mr. Southwick moved for approval of the project for the establishment of a nonresidential substitution-based treatment center for opiate addiction and the initiation of opiate addiction treatment based on: 1) Need – While others have stated struggle with need, for myself, taking comfort in national statistics that indicate that this is a problem state, a national problem, and is particularly a problematic area, for whatever reason, the area is what it is, and the choice right now for methadone treatment, while it might not be first is now present. The fact is that there are a number of these patients that are now traveling distances to other states to get this treatment is a material issue to me and thus, the thought that need does exist; 2) Economic Feasibility – The project is economically feasible is met. The project is profitable as shown and the applicant has the resources necessary to establish the project; and 3) The project does contribute to the orderly development of adequate and effective health care in that this does not exist today in this particular marketplace. It is a choice by testimony of all that was heard where nobody really shot down methadone treatment, all that was heard was that they are similar or equal to other treatment options and it does not exist today and patients are being forced to travel great distances to seek this care. We have no way of knowing how big this problem is beyond the people seeking this care, that made an impact on me, and therefore my description as to the orderly development of healthcare is backed. Ms. Jordan seconded the motion. The motion FAILED [3-6-1]. **DENIED**

AYE: Jordan, Wright, Southwick

NAY: Mills, Burns, Hodge, Haik, Byrd, Johnson

ABSTAINED: Gaither

Prevailing Vote—Ms. Burns stated in regard to CN1303-005, Tri-Cities Holding, LLC d/b/a Trex Treatment Center that there was not a need for this service as there are effective treatment options available for opiate addiction in that area.

McKendree Village - (Hermitage, Davidson County) - Project No. CN1303-007

Ms. Burns recused

The renovation, construction, and partial repositioning of fifty (50) existing dually certified beds in addition to the modification of CN1202-010A approved for thirty (30) dually certified nursing home beds. The nursing home's licensed bed complement of one hundred eighty (180) beds after implementation of CN1202-010A will not change. The estimated project cost is \$3,808,150.

Byron R. Trauger, Esq., representing the applicant, addressed the Agency. John (Ted) E. McMullan, General Manager, Nashville Senior Care, LLC, spoke on behalf of the project.

Mr. Southwick moved for approval of the project for the reconstruction and renovation in excess of \$2 million for McKendree Village based on: 1) Need – The need has been established previously by this agency with respect to adding thirty (30) beds; 2) Economic Feasibility – The economic feasibility of the project is certainly not in question given the owner and operator of Covington Senior Living; and 3) The project does contribute to the orderly development of adequate and effective health care especially in line with improving life safety and facility construction and usage, as well as, better alignment of rooms for patients for a more enjoyable community. Mr. Mills seconded the motion. The motion CARRIED [9-0-0]. **APPROVED**

AYE: Jordan, Wright, Mills, Gaither, Hodge, Haik, Byrd, Southwick, Johnson

NAY: None

The Farms at Bailey Station Skilled Nursing Facility - (Collierville, Shelby County) - Project No. CN1303-008

The establishment of a skilled nursing facility consisting of thirty (30)* Medicare certified skilled nursing beds to be part of a continuing care retirement community (CCRC). The estimated project cost is \$7,301,961.

*These beds are subject to the 2012-2013 Nursing Home Bed Pool.

Jerry W. Taylor, Esq., representing the applicant, addressed the Agency. Speaking in support were: Honorable Curry Todd, State Representative; Honorable Don Sundquist, former Governor; and Stan Joyner, Mayor, Town of Collierville. Charlie Tramble, President, Retirement Centers of America responded to questions by members. Present in support were: Maureen Fraser, Vice Mayor, Town of Collierville; Lyle G. Bohleman, M.D., Luke, Inc.; and Rev. James M. Latimer, Pastor, Redeemer Evangelical Church.

Mr. Wright moved for approval of the project of The Farms at Bailey Station based on: 1) Need – This application meets the need criteria as established by the State's statistics for future growth; 2) Economic Feasibility – The economic feasibility is met by the backing of commercial loan and the letter of credit; and 3) The project does contribute to the orderly development of adequate and effective health care and will be served by the CCRC concept, and the support from the area. Mr. Mills seconded the motion. The motion CARRIED [10-0-0]. **APPROVED**

AYE: Jordan, Wright, Mills, Gaither, Burns, Hodge, Haik, Byrd, Southwick, Johnson
NAY: None

Mr. Wright requested to reopen the matter of CN1303-008, The Farms at Bailey Station. Mr. Mills seconded the motion. The request CARRIED [10-0-0]. **APPROVED by unanimous voice vote**

AYE: Jordan, Wright, Mills, Gaither, Burns, Hodge, Haik, Byrd, Southwick, Johnson
NAY: None

Mr. Wright moved to amend the motion CN1303-008, The Farms at Bailey Station to include granting the request of the application for the initial term of the CON to be for a three (3) year expiration date instead of the standard two (2) year expiration date. Mr. Mills seconded the motion. The motion CARRIED [10-0-0]. **APPROVED**

AYE: Jordan, Wright, Mills, Gaither, Burns, Hodge, Haik, Byrd, Southwick, Johnson
NAY: None

GENERAL COUNSEL'S REPORT

Jim Christoffersen summarized the following CON modification requests:

The Proton Therapy Center - (Knoxville, Knox County) - Project No. CN1002-010A

Request for a twelve (12) month extension of the expiration date from July 1, 2013 to July 1, 2014: This project was approved on May 26, 2010 for the establishment of an ambulatory surgical treatment center (ASTC) limited to radiation therapy; the acquisition of major medical equipment (proton therapy equipment and related components); and the initiation of outpatient proton therapy services for cancer patients. The estimated project cost is \$118,785,747.

W. Brantley Phillips, Jr., Esq., representing the applicant, addressed the Agency. Mike Sommi, Vice President, Provision Trust responded to questions by members.

Ms. Jordan moved for approval of the request for a twelve (12) month extension of the expiration date from July 1, 2013 to July 1, 2014. Mr. Southwick seconded the motion. The motion CARRIED [10-0-0]. **APPROVED**

AYE: Jordan, Wright, Mills, Gaither, Burns, Hodge, Haik, Byrd, Southwick, Johnson
NAY: None

CONTESTED CASE UPDATE

Mr. Christoffersen provided an update on contested cases.

ADJOURNMENT

There being no further business, the meeting adjourned.



Mark Farber, Deputy Director

MF/mab

- * Minutes provide only a brief staff summary of the meeting and are not intended to be an all-inclusive report. The HSDA maintains a detailed record of each meeting (recording and transcript) that is available upon request by contacting the HSDA office at 615-7412364.